

Williamstown Police Department
Rules and Regulations

MANUAL OF RULES AND REGULATIONS

FOR THE GOVERNMENT OF THE

POLICE DEPARTMENT

OF THE

TOWN OF WILLIAMSTOWN

MASSACHUSETTS

1.0 - AUTHORITY

This Manual of Rules and Regulations for the government of the Police Department of the Town of Williamstown is promulgated by the Chief of Police to all department members. The Chief's authority to make regulations is derived from the town's contract of employment and is expressly delegated to him by the Town Manager.

The effective date of these Rules and Regulations shall be February 1st, 2023 and they shall remain in full force and effect until amended or rescinded.

Michael Ziembra, Chief of Police
Williamstown Police Department

Reviewed: 01/12/2023

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2.0 – RECEIPT

Employees shall subscribe their names to the following agreement:

I hereby acknowledge receipt of a copy of the Manual of Rules and Regulations for the government of the Williamstown Police Department.

Date: _____

Signature of Employee

Issued By:

Signature of Issuing Officer or Witness

(Two copies – this copy to remain in Manual and the other to be filed in the appropriate department file such as the officer’s personnel folder.)

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3.0 INTRODUCTION

Law enforcement professionals have a unique role in today's society. The power and authority granted to the police are substantial. As with any granting of authority, there comes an accompanying responsibility. For police professionals it involves, at a minimum, the adherence to law and the fair and impartial exercise of such authority.

This Manual of Rules and Regulations, along with the Department's Policies and Procedures Manual, periodic general or special orders and memoranda, and applicable job descriptions, should assist police officers in remaining aware of what is expected of them.

The quasi-military nature of a police agency, a rank structure and a chain of command are essential components of an organization involved in dangerous and even life-threatening activities. Our uniform and grooming standards help foster *esprit de corps*, recognition and confidence among members of the public.

The standard of conduct expected of law enforcement officers is higher than that demanded of others. We recognize this in accepting appointment to our chosen profession. We are held to an ethical standard which dictates the avoidance of even the appearance of impropriety. We acknowledge the need for reasonable restrictions on our off-duty conduct, especially where it reflects on our profession or the department.

This Manual will generally serve as the basis for departmental discipline for **all sworn officers, dispatchers and all other civilian employees**. Occasionally the term officer and dispatchers are interchangeable. It does not attempt to, nor could any such document, cover every possible situation. It attempts to outline the minimal level of conduct expected of each officer. Familiarity with its contents is required.

An effort has been made to make the manual gender neutral. Where appropriate, the masculine will include both genders and the singular and plural are interchangeable. Whenever this Manual refers to such things as permission or approval of the Chief, this will refer to his or her designee when, from time to time, the Chief authorizes others to act

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on his or her behalf in appropriate circumstances. Use of the term commanding officer or superior officer and sergeant or officer in charge of the shift may occasionally be used interchangeably.

All sworn officers, prior to assuming sworn status, will take and abide by an Oath of Office to enforce the law and uphold the Constitution of the United States and the constitution of the Commonwealth of Massachusetts.

The Law Enforcement Code of Ethics is a time-honored tradition among members of our profession. Its inclusion in this Manual is meant to remind employees of the lofty goals and worthwhile objectives that are consistent with our professional calling. It is one sign of a true *profession* that it has a code of conduct concerning voluntarily adopted ethical standards. This department, and indeed our community, requires all employees to adhere to this code of ethics.

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deceptions, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all individuals to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the Williamstown Police Department. Whatever I see or hear of a confidential nature will be kept forever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless persecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve those objectives and ideals, dedicating myself before God to my chosen profession.....Law Enforcement

4.0 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

The police are the most visible and most readily accessible representatives of local government. They respond to calls for assistance of a diversified nature and are expected to resolve a wide variety of community problems as they occur. Police officers are professionals, and, as such, are expected to maintain exceptionally high standards in the performance of their duty while conducting themselves at all times, both on and off duty, in such a manner as to reflect favorably upon themselves and the department.

Effective police operations require loyalty to the department and to one's associates, maintaining a genuine spirit of cooperation and rendering appropriate assistance to another police officer or citizen exposed to danger or in a situation where danger may be lurking.

To accomplish these purposes, the professional responsibilities of police officers, within their area of jurisdiction, include such things as the following functions:

- a) the protection of life and the safeguarding of property;
- b) the prevention and control of crime;
- c) the investigation of crime, the apprehension of criminal offenders and the recovery of stolen property;
- d) the preservation of public peace and good order;
- e) the immediate response to public emergencies;

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- f) the creation of a sense of safety and security for the entire community through crime prevention, patrol and community policing;
- g) the accomplishment of all police objectives within the law and the constitutional guarantees of all citizens;
- h) the performance of such other police related services, duties, functions and responsibilities assigned to or required of the officer by the department and/or the community:
- i) the advancement of a cooperative relationship with the general public; and
- j) the creation of awareness through the implementation of educational programs.

Public scrutiny, and sometimes public criticism, is directed not only at police performance but also at the behavior, both on and off duty, of those who deliver police services. The establishment of proper standards for police behavior must not only meet the expectations of the citizen but also protect the rights of police officers.

The department recognizes that its officers have certain basic personal rights and therefore it restricts those rights only when necessary to ensure the integrity of the department and its personnel and that the highest quality of police services are maintained. At a minimum, officers are required to obey all lawful statutes as well as regulations established by the department.

PRIVACY AND OFF-DUTY CONDUCT

The department will generally limit its inquiry into an employee's personal matters, off-duty conduct and outside employment, to situations impacting or reflecting upon the department or affecting the employee's ability or fitness for duty. An employee's right to privacy guarantees that disclosure of personal matters can be compelled only if the employer's interest in the disclosure outweighs the employee's privacy interest. When the department determines that inquiry into an employee's private life is legitimate, it will

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make an effort to keep the scope of the inquiry as narrow as reasonable under the circumstances.

Disclosure of an employee's financial affairs will help to deter corruption, dishonesty, and conflicts of interest. It also enhances public confidence in the integrity of the department. When the department elects to mandate such financial disclosure, it will afford employees the opportunity to make claims of privacy as to certain financial records and to have those claims heard by a neutral body.

An employee's medical and psychological fitness for duty is a matter of continuing departmental concern. The department may require employees to submit to medical and/or psychological examinations on a periodic basis or whenever there is reason to question the employee's fitness for duty. Reports of such examinations will be maintained in a separate file and dissemination of the information will be restricted to appropriate individuals.

The department has a legitimate interest in preserving the public's trust and respect. An employee's off-duty personal relationships and conduct must not bring discredit to the officer or department, have a negative impact on the Department's morale or operation, affect the employee's ability to perform his or her job, or result in poor job performance.

Employees who are on paid leave status as a result of sickness or injury may have their activities regulated. Reasonable rules are legally permissible.

The department has the right to regulate the off-duty employment of its employees. The emergency nature of law enforcement, the need to ensure that employees report for work in good physical and mental condition, and the need to prevent conflicts of interest, all combine to provide the department with discretion in regulating (including prohibiting) off-duty employment.

RULE 4.01 - OFF DUTY EMPLOYMENT

Employees shall not engage in any compensated off-duty employment without the knowledge and approval of the Chief of Police. The approval of the Chief of Police shall

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be based upon such factors as: (a) increasing off-duty efficiency and availability, (b) avoiding potential conflicts of interest, (c) protecting the image of the department, and (d) avoiding impairment of on-duty performance.

Officers shall not be employed by or engage in any business that involves the distribution or sale of alcoholic beverages, bail bond services, investigative work within the department's jurisdiction for insurance companies, private guard services, collection agencies or attorneys.

All personnel engaging in outside employment should clearly understand that their primary obligation is to the police department and the community they serve. Employees must not perform work that will make them unavailable in emergencies, exhaust them, require special scheduling or excessive shift swapping, or bring the department into disrepute or impair its operation or efficiency. Prior to accepting any outside employment, an employee must request, in writing, request the approval of the Chief of Police. No employee shall accept other employment which could interfere with their employment with the department or could impair his or her independence of judgment in the exercise of official duties.

CONDUCT UNBECOMING AN OFFICER

It is impossible to have detailed rules governing every conceivable situation. Historically the police service has relied upon the charge of *conduct unbecoming an officer* to cover obvious violations for which no specific rule was promulgated. Such a *catch-all* rule would not be proper for regulating the conduct of the general public. However, over the years, police officers have come to understand that certain behavior is clearly not in keeping with the good order and proper operation of the department.

This rule has been shown to be capable of objective interpretation. It must not be subject to the whim of police administrators. The standard of conduct expected of police officers is learned in a variety of ways, from academy and in-service training to manuals,

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orders and various written directives. It is fair to say that *conduct unbecoming an officer* should be such as would alert a reasonable officer that his or her conduct under the circumstances would be inappropriate.

Both on- and off-duty conduct may subject an officer to a charge of *conduct unbecoming an officer*. Officers do not sever their relationship with the department at the end of their shift. An officer's off-duty conduct, especially where there is some nexus or connection to the department or where the officer's status as a police officer is or becomes known, may reflect unfavorably on both the officer and department.

Officers charged with *conduct unbecoming an officer* will have the underlying offensive conduct specified in the notice of charges.

RULE 4.02 - CONDUCT UNBECOMING AN OFFICER

Officers shall not commit any specific act or acts of immoral, improper, unlawful, disorderly or intemperate conduct, whether on or off duty, which reflect(s) discredit or reflect(s) unfavorably upon the officer, upon other officers or upon the police department. Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and its members.

Conduct unbecoming an officer shall include that which tends to indicate that the officer is unable or unfit to continue as a member of the department, or tends to impair the operation, morale, integrity, reputation or effectiveness of the department or its members.

Conduct unbecoming an officer shall also include off-duty conduct where there is a *nexus* or connection between the act or acts committed by the officer and that individual's continued fitness or ability to effectively perform his or her required duties and responsibilities and/or the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation or effectiveness of the department and ability of the officers not involved in said act to effectively perform their required duties and responsibilities.

CONFLICT OF INTEREST

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Since the position of a police officer is a public trust, it is important to avoid all situations involving conflicts of interest whether in fact or only in appearance. Special areas of concern include certain kinds of outside employment; financial transactions with units of government or others; membership in non-police unions; activities in partisan politics; and the use of an official position to secure unwarranted privileges, pecuniary advantage or preferential treatment.

Employees must comply with any changes in the Conflict of Interest law, regardless of whether such amendments are reflected in this manual. In case of doubt concerning G.L. c. 258A, the Town Counsel will prepare a legal opinion at request, through the Chief of Police. Said opinion shall be sought prior to engaging in situations which may, in fact, create a conflict of interest. Employees should seek clarification through the chain of command for situations that might violate any rules, especially those under the heading of conflict of interest.

RULE 4.03 - VIOLATING CONFLICT OF INTEREST LAW

Employees shall not violate any provision of General Laws c. 268A.

RULE 4.04 - MEMBERSHIP IN ORGANIZATIONS

Employees shall not affiliate with or become a member of any organization if such affiliation or membership would substantially interfere with or prevent them from performing their duty.

RULE 4.05 - ASSOCIATION WITH KNOWN CRIMINALS

Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for involvement in criminal behavior, except as necessary in the performance of official duties with the knowledge and approval of the Chief of Police or where unavoidable in social settings because of an officer's family relationships.

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RULE 4.06 - UNDUE INFLUENCE

Officers shall not seek or obtain the influence or intervention of any person, outside or from within the department, but not including a lawfully retained attorney, for the purposes of advancement, preferential assignment, transfer, pecuniary advantage or any other type of preferred treatment or advantage, including the disposition of pending charges or findings in a criminal or disciplinary hearing.

RULE 4.07 – VISITING PROHIBITED ESTABLISHMENTS

Officers shall not knowingly visit or enter a place where gambling, prostitution, drug use or sales, after hour liquor sales, or other locations where laws are violated except in the performance of their official duty or while specifically authorized to do so by the Chief of Police. The prohibition shall apply to social gatherings where the officer knows or has reason to know that drug use or sales are taking place.

RULE 4.08 – IMPROPER BUYING, RECEIVING or SELLING

Employees shall not buy, receive, or sell anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to the attention of or which arose out of department employment, except as may be specifically authorized by the Chief of Police. NOTE: The chief ordinarily will not prohibit an employee from shopping or purchasing goods or services from a commercial establishment under the same terms and at the same prices as the general public so long as there is no connection between such activities and the establishment's involvement with their employment.

RULE 4.09 - DEPARTMENT CORRESPONDENCE

Employees shall not use department letterhead, computers or other equipment for private correspondence nor shall they send any written or electronic communication about police business from the department using department equipment to any person, firm or other law enforcement or public agency without prior approval of the Chief of Police.

Employees shall not enter into official department correspondence with anyone or any agency outside the Department, except with the approval of the Chief of Police.

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RULE 4.10 – IMPROPERLY INFLUENCED TESTIMONY

Employees shall not, directly or indirectly, solicit or accept anything of value for such officer or others in connection with the testimony or absence of the employee or another at any trial or hearing.

RULE 4.11 - MAILING ADDRESS

Employees shall not use the department as a mailing address for private purposes without the permission of the Chief of Police. At no time will the department be used as a mailing address for the purposes of a firearms license or permit, or a motor vehicle license or registration for private purposes.

RULE 4.12 - INTERFERING WITH COURSE OF JUSTICE

Officers shall not interfere with cases being handled by other officers of the department or other law enforcement agencies. When an officer believes that such involvement is absolutely necessary, he or she shall secure permission from a superior officer.

Officers shall not take part in, or be concerned with, either directly or indirectly, any compromise or arrangement with any person whomsoever for the purpose of permitting an accused person to escape the penalty of his or her wrongdoing, or seek to obtain a continuance of any trial or otherwise interfere with the course of justice, except in the normal course of proceedings.

RULE 4.13 – FINANCIAL DISCLOSURE

Officers shall submit financial statements in accordance with department procedures in connection with the investigation of a complaint where this information is relevant. These statements will be maintained by the Chief of Police.

RULE 4.14 - POSSESSING KEYS TO PRIVATE PREMISES

Officers shall not have keys to private buildings or dwellings on their area of patrol without the permission of the Chief of Police.

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RULE 4.15 – ABUSE OF POSITION

Officers shall not use the prestige or influence of their official position, or use the time, facilities, equipment or supplies of the department for the private gain or advantage of themselves or another.

RULE 4.16 - POLITICAL ACTIVITIES

Officers shall not participate in political activities while in uniform or on duty. All actions which could even give the impression that officers are using their official positions to influence the electoral process must be avoided. An officer shall not be required to solicit or be obliged to make contributions in money, services, or otherwise, for any political purpose.

Officers may not become a candidate for a partisan elective office. Officers who become candidates for non-partisan salaried elective office shall take a leave of absence without pay. Such leave shall encompass both the campaign and the tenure of office if elected.

Nothing in this rule shall be construed to mean that department personnel are restricted in any way, while off-duty and not in uniform or demonstrating their position as a police officer, from exercising their constitutional rights as citizens in the political or electoral process (including such actions as voting, supporting candidates, and belonging to a political party).

Officers **shall be permitted to:**

1. Register and vote in any election;
2. Express opinions as individuals privately and publicly on political issues and candidates;
3. Attend political conventions, rallies, fund-raising functions and similar political gatherings;
4. Actively engage in any nonpartisan political functions;

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5. Sign political petitions as individuals;
 6. Make financial contributions to political organizations;
 7. Serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by state or local laws;
 8. Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section;
 9. Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.
- B. Officers **are prohibited from:**
1. Using their official capacity to influence, interfere with or affect the results of an election;
 2. Assuming active roles in the management, organization, or financial activities of partisan political clubs, campaigns, or parties;
 3. Serving as officers of partisan political parties or clubs;
 4. Becoming candidates for or campaigning for a partisan elective public office;
 5. Soliciting votes in support of, or in opposition to, any partisan candidates;
 6. Serving as delegates to a political party convention;
 7. Endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast, or campaign literature;
 8. Initiating or circulating a partisan nominating petition;
 9. Organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or candidate;
 10. Addressing political gatherings in support of, or in opposition to a partisan candidate;

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11. Otherwise engaging in prohibited partisan activities on the federal, state, county or municipal level.

RULE 4.17 - GIFTS AND GRATUITIES

Officers shall not under any circumstances seek, solicit or accept any gift, gratuity, loan, reward or fee (including not only money but also any tangible or intangible personal property, including such things as food, beverage, promise, service or entertainment) for the benefit of the officer, a family member or acquaintance, or the department, where there is any direct or indirect connection between the solicitation or acceptance and their departmental membership or employment, except as may be specifically authorized by the Chief of Police.

Officers must be especially guarded in their official relationship with persons holding or seeking to hold licenses issued by local licensing authorities, or anyone else who might expect or seek preferential police treatment. This would include attempts to influence actions of an official nature or the performance or non-performance of one's official duty. All department personnel must make payment for their meals and beverages.

Any unauthorized gift, gratuity, fee, reward or attempted bribe offered to or coming into the possession of any officer shall be forwarded immediately (or reported in the case of an attempt) to the Chief, together with a written report of the circumstances involved.

RULE 4.18 - TESTIMONIALS AND PRESENTS

Officers shall not collect or receive any money or other thing of value from any source for the purpose of making a present to any active officer or employee of the department or any other police agency.

RULE 4.19 - UNAUTHORIZED TRANSACTIONS

Officers shall not enter into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public, when such transaction takes place between themselves and any person or entity residing or doing business in the department's jurisdiction, or any person involved

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in any matter or case which arose out of their employment with the department, or who has an interest which may be affected directly or indirectly except as may be specifically authorized by the Chief of Police.

RULE 4.20 - USE OF OFFICIAL POSITION

Employees shall not use their official position, department identification cards or badges: (a) for personal or financial gain; (b) for obtaining privileges not otherwise available to them except in the performance of duty, or (c) for avoiding consequences of illegal acts.

Employees shall not lend to another person any part of their uniform or equipment, nor their identification cards or badges or permit them to be photographed or reproduced, without the approval of the Chief of Police.

Employees shall not authorize the use of their names, photographs, or official titles which identify them as police officers in connection with testimonials nor for advertisements for any person, commodity or commercial enterprise, without the approval of the Chief of Police.

RULE 4.21 – ENDORSING PRIVATE SERVICES

Employees shall not (except in transacting personal business) endorse, recommend or suggest in any way the use or procurement of any particular product or commercial or professional service. These include, but are not limited to, a towing business, motor vehicle repairs or body shop, ambulance service, attorney, bondsperson, funeral service, medical or chiropractic service.

Employees shall follow departmental procedures for contacting a towing or ambulance service.

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5.0 - NEGLIGENCE OF DUTY

Officers are required to be attentive to and not neglect their sworn duty. Examples of neglect of duty include but are not limited to: failure to take appropriate action on the occasion of a crime, medical emergency, public disorder or other act or condition deserving attention; failure to render medical assistance consistent with one's training; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from one's assignment during a tour of duty; failure to perform duties or comply with any job description, assignment, rule or regulation, general, special or other order; or failure to conform to policies and procedures.

RULE 5.1 - NEGLIGENCE OF DUTY

Officers shall not be absent from work without permission or abstain wholly or in part from the full performance of their duties in the normal manner without permission. Officers shall not: be absent from their assigned duty without leave; leave their post, sector, community, or assignment without being properly detailed or relieved, or without making required notifications; fail to take suitable and appropriate police action when any crime, medical emergency, public disorder, or other incident requiring police attention mandates such police action; fail to render medical assistance consistent with the officer's training; fail to promptly perform, as directed, all lawful duties required by constituted authority, notwithstanding the officer's normal assignment of duties and responsibilities. All department members shall complete given assignments in a timely manner and within due dates as directed.

6.0 – INCOMPETENCE

Employees who are incapable of performing the duties of their job may be demoted or transferred, if an available position exists, or discharged.

RULE 6.1 – INCOMPETENCE

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Officers shall maintain sufficient competency to perform their duty and to assume the responsibilities of their position. Incompetence may be demonstrated by, but is not limited to, the following:

- a. a lack of knowledge of the application of laws required to be enforced;
- b. an unwillingness or inability to perform assigned tasks;
- c. the failure to conform to work standards established for the officer's rank, grade or position; and
- d. repeated poor evaluations or repeated infractions of the rules and regulations, job descriptions, or policies and procedures.

7.0 – PUBLIC STATEMENTS

The rules attempt to balance the employees' right to freedom of expression on matters of public interest with the department's legitimate interest in the integrity and efficiency of its operation. Police officers do not surrender their constitutional right of free speech upon taking their oath of office. However, courts have recognized a police department's ability to promulgate reasonable rules and regulations regulating certain types of statements by officers consistent with the mission of a law enforcement agency.

A police department is a semi-military organization which is unique in the public service, and, as such, has a justifiable need for *esprit de corps*, harmony, discipline and confidentiality. Close personal or confidential relationships are often required. Extremely disrespectful and/or grossly offensive remarks are inconsistent with fostering and maintaining such relationships.

There is also a need to maintain a *chain of command*. Statements which undermine the working relationship between officers and superiors are disruptive to the mission of

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this agency. This is especially true where such statements are simply bickering or personal disputes with one's superiors.

Union spokespersons are entitled to express their association's viewpoints on matters of public concern. In fact, such individuals are afforded greater latitude in making public pronouncements on departmental policies or operations.

Certain types of speech by officers are not constitutionally protected. These include: speech which is knowingly false; statements made as an extension of a personal dispute; statements resulting from a personality conflict; speech promoting or endorsing private services; profanity or name calling; speech which erodes the public's confidence in the department's ability to perform its mission and speech which causes significant disruption of morale.

Officers who are the subject of an internal investigation may be instructed not to discuss the subject matter of such investigation with others. Except in unusual cases, such restrictions would not apply to conversations with an officer's attorney or union representative, or with such employee's spouse.

RULE 7.1 - PUBLIC CRITICISM OF THE DEPARTMENT

Employees shall not publicly criticize the Department, its policies or members by talking, writing, or expression in any manner where such talking, writing, or expression: (a) is defamatory, (b) is obscene, (c) is unlawful, (d) tends to impede the operation of the department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or is made with reckless disregard for truth or falsity.

Employees shall not make any vexatious or unnecessary complaint against another member of the department nor criticize any other member, except in the line of duty, nor shall employees maliciously gossip about any superior, order, policy, procedure, case or event that should remain police information; nor shall employees cause to discredit, lower or injure the morale of personnel in the department, or that of any individual in the

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department. To this end, employees shall make maximum utilization of the chain of command, and also the grievance procedure of the department as described in the applicable collective bargaining agreement. In addition, employees shall not publicly criticize instructions or orders they have received.

RULE 7.2 - DISPARAGING REMARKS

Employees shall not speak slightingly of any minority, race, nationality, gender, or religion, nor make derogatory remarks about individuals on account of their marital status or sexual preference while on duty or while off duty in a public place.

RULE 7.3 - COURTESY

Employees shall not be discourteous or inconsiderate to the public, to their superior officers, or to their fellow officers and employees of the police department as well as other law enforcement and governmental agencies. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances.

Employees shall answer questions from citizens in a courteous manner and, if unable to supply an answer, shall make every effort to obtain the answer for the citizen, avoiding argument and unnecessary conversation.

RULE 7.4 - IDENTIFICATION

Officers shall properly identify themselves to any person requesting this information, while they are on duty, except when the withholding of this information is necessary for the proper performance of police duty, when it might jeopardize the physical safety of a department member, or when authorized not to do so by proper authority. Under M.G.L. Chapter 41, section 98D, every full-time police officer is required to carry an official identification card to be shown to the public upon lawful request.

RULE 7.5 - DISSEMINATION OF OFFICIAL INFORMATION

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Employees shall treat as confidential that information which is confided to them personally in the course of their official duties. They shall disclose such information only as required in the proper performance of their duties.

Employees shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

Employees shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

Employees shall treat the official business of the police department as confidential and shall conform to the following guidelines:

- a. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.
- b. Access to departmental files, records and reports shall be limited to those officers and employees authorized by the Chief of Police.
- c. Official records or reports shall not be copied, or removed from the police facility, except in accordance with established departmental procedures.
- d. The identity of any person giving confidential information to the department or to any officer thereof in the performance of his or her duties, shall not be divulged except with the prior approval of the Chief of Police or by operation of law.
- e. No information shall be released, given or issued to the news media or to any members of the press concerning department operations, or the evidentiary aspects of any criminal investigations, without the prior approval of the Chief of Police.

NOTE: All releases to the press or media of information concerning departmental policy or the evidentiary aspects of any

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criminal investigation shall conform to the Department's Policy and Procedure entitled *Media Relations*.

- f. Officers shall not communicate or give police information that may aid a person to escape arrest, delay apprehension or avoid prosecution or which contributes to the destruction, removal or loss of evidence, goods or contraband.
- g. Officers shall not communicate to the public, news media or to any other agency or person information connected with the department or its personnel except as authorized by the Chief of Police or by statute. All requests for public appearances or speaking engagements by officers, on the subject of criminal justice, law enforcement or department operations or policies, shall be submitted to the Chief of Police for approval.

RULE 7.6 - TESTIMONY IN CIVIL CASES

Officers shall not testify in any civil case, arising as a result of the performance of duty, in any court, unless legally summonsed to do so or until having received permission or order from the Chief of Police. When summonsed to testify, an officer shall notify the Chief of Police in advance of testifying.

RULE 7.7 - TRUTHFULNESS

Officers shall speak the truth at all times when on duty or when discussing a matter arising out of or related to the officers' duties or the operation, organization or business of the department. In cases in which an officer is not allowed by the regulations of the department to divulge facts within his or her knowledge, the officer will decline to speak on the subject. Officers shall not fabricate, withhold, or destroy any evidence of any kind.

RULE 7.8 - STATEMENTS CONCERNING LIABILITY

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Officers shall not make any oral or written statement to anyone concerning liability in connection with the operation of police vehicles or performance of other police duty, unless specifically authorized to do so by the Chief of Police.

RULE 7.9 - TESTIFYING FOR CRIMINAL DEFENDANTS

Officers shall not testify for the defendant in a criminal case, parole hearing or other judicial proceeding, in any court or tribunal, unless legally summonsed to do so or with the advance approval of the Chief of Police. In cases, which involve the police department or its personnel, officers, shall, before testifying, inform the Chief of Police of the nature of the testimony intended to be given.

RULE 7.10 - RECOMMENDATION FOR DISPOSITION OF CASES

Officers shall not make a recommendation for the disposition of any case pending in the courts without the consent of the Chief of Police, or without the permission of the Department's Prosecutor; or upon the direct request of the Court to the officer.

RULE 7.11 - COMMUNICATION WITH OFFICIALS

Officers shall not confer with or forward communications to governmental officials on police matters without first notifying the Chief of Police, except as otherwise provided by statute.

8.0 - ORDERS

An order is defined as a command or instruction, oral or written, given by one member of the department to another member of lesser rank or assignment. It is essential to the proper operation of a police agency that members promptly obey all lawful orders. Every member of the department shall promptly obey, without reservation, the orders, rules, regulations, policies and procedures of the department and all lawful commands of a superior member including those commands relayed from a superior by an member of the

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same or lesser rank. The intentional refusal to obey any direct lawful order is grounds for termination.

OBEDIANCE TO RULES AND ORDERS

Members are expected to be familiar with and comply with all lawful orders, rules and regulations, and policies and procedures issued by the Department.

UNLAWFUL ORDERS

Obedience to an unlawful order is never a defense for an unlawful action; therefore, no member is required to obey any order that is contrary to any Federal or State law. Responsibility for refusal to obey an unlawful order rests with the member to whom such order was given. The member shall be strictly required to justify such action. Members issued what they believe to be an illegal order shall request the issuing member to clarify the order or to confer with higher authority.

RULE 8.1 – ISSUING UNLAWFUL ORDERS

No member shall knowingly issue any order that is a violation of any law.

CONFLICTING ORDERS

Should any order given by a superior conflict with any previous departmental order, rule, regulation, policy or procedure, the member to whom such order is given will call attention to the conflict. If the person responsible for issuing said order does not change the order to avoid such conflict, the order will be obeyed, but the member obeying such order shall not be held responsible for disobedience of the previous order, rule, regulation, policy or procedure. Responsibility for the conflict shall be upon the superior member that issued such conflicting order. It should later be reported to the Chief of Police, through the chain of command, for clarification.

UNJUST OR IMPROPER ORDERS

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When lawful orders which appear to be unjust or improper are given, the member to whom the order is given shall respectfully notify the superior issuing such order of its impropriety. If the order is not corrected, then it is to be carried out. After carrying out the order, the member to whom the order was given may file a written report to the Chief of Police, via the chain of command, indicating the circumstances and the reasons for questioning the order, along with a request for clarification of departmental policy. After complying with this Section, a member who carries out an order found to be unjust or improper by the Chief of Police or court or tribunal of competent jurisdiction, will not be held responsible for carrying out such order.

INSTRUCTIONS FROM DISPATCHER

All messages transmitted over the police radio system by any member shall be direct and concise and shall conform with all departmental radio procedures and the rules and regulations of the Federal Communications Commission. No member shall fail to obey or refuse to take cognizance of any communication (whether via radio, telephone, computer, in person or otherwise) transmitted by or conveyed directly from the Desk Officer or the Dispatcher, unless instructed to do so by a Superior Officer.

TYPES OF ORDERS

Written orders come in a variety of forms. Below is a brief description of the types of written directives, which may, from time to time, be utilized. They may be issued by the Chief of Police or by his or her designee.

GENERAL ORDERS

General Orders are permanent written orders outlining policy matters, which affect the entire department. A General Order is the most authoritative written order the department issues, and may be used to amend, supersede or cancel any previous order. General Orders remain in full force and effect until amended, superseded or rescinded by the Chief of Police.

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SPECIAL ORDERS

Special Orders are temporary written orders outlining instructions covering particular situations. Special Orders are automatically canceled when their objective is achieved.

PERSONNEL ORDERS

Personnel orders are those pertaining to such matters as assignments, change of duty, administrative matters relating to conditions of employment, and employee rights and benefits.

MEMORANDA

Memoranda are written communications (generally entitled “Memorandum” or “Memo”) issued for the following purposes: (a) to issue information or instructions which do not warrant a formal order; (b) to direct the actions of subordinates in specific situations; (c) to explain or emphasize portions of previously issued orders; or (d) to inform officers of actions or policies of other agencies.

RULES AND REGULATIONS

A manual of rules and regulations issued by the Select Board which defines required and prohibited conduct and generally outlines the basis for departmental discipline.

POLICIES AND PROCEDURES

A manual describing the policy of the department and required procedures to be followed in handling a variety of operational areas confronting law enforcement officers.

RULE 8.02 - INSUBORDINATION

Officers shall not be insubordinate. Insubordination shall include: any failure or deliberate refusal to obey a lawful order (written or oral) given by a superior officer or

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relayed from a superior officer by another officer, from the officer in charge of the shift or assignment, (regardless of rank) or a dispatcher or as otherwise above specified.

Officers shall follow the procedures specified above when given what they believe to be an unlawful, conflicting, unjust or improper order.

RULE 8.03 – ASSIGNMENTS

From time to time officers will be delegated staff work and projects. Officers shall complete such assignments with due diligence and on time.

9.0 - UNIFORMS AND APPEARANCE

Employees shall wear such uniforms, equipment, and insignia as the Chief of Police may, from time to time, prescribe. A professional, uniform appearance enhances morale and fosters teamwork and *esprit de corps*. Employees should present a professional appearance to the public at all times and reflect a positive image as members of the Department. The police uniform identifies the officer and makes him or her readily accessible to the citizen. Exceptions may be authorized for undercover assignments or for medical necessity. Periodically the Chief of Police may post drawings or issue orders for guidance in interpreting the Department's regulations.

RULE 9.1 - HAIR STYLES FOR MALE OFFICERS

Officers shall keep their hair neat, clean and trimmed and shall present a well-groomed appearance. Hair shall not cover any part of the ears and will be trimmed in back and on the sides so that it does not extend over the collar. Hair in front will be groomed so that it does not fall below the band of properly worn headgear. In no cases will the bulk or length of the hair interfere with the proper wearing of any authorized headgear.

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RULE 9.1.A. - SIDEBURNS

If an officer chooses to wear sideburns, they will be neatly trimmed and tapered. Sideburns may extend to a level consistent with the midpoint of the ear, will be of even width (not flared), and will end with a clean-shaven horizontal line.

RULE 9.1.B. - MUSTACHES

Mustaches shall be neatly trimmed at all times and shall not extend beyond the upper lip line in any direction and shall not extend below the lip line. “Handlebar” or “Fu Manchu” mustaches are not allowed.

RULE 9.1.C. - BEARDS

The face will be clean shaven other than the acceptable mustache and sideburns. Beards and goatees are prohibited. Exceptions to this rule may be granted by the Chief of Police for special reasons or purposes (such as undercover work or for medical reasons).

RULE 9.1.D. - WIGS OR HAIRPIECES

Wigs or hairpieces in natural colors may be worn on duty for cosmetic reasons to cover natural baldness or physical disfiguration. When they are worn, they shall be of good quality, consistent in styling with these Rules and Regulations, and shall not interfere with the wearing of any required headgear.

RULE 9.2 - HAIR STYLES FOR FEMALE OFFICERS

Female officers shall wear their hair so that it does not touch the collar of the shirt. Longer hair will be fashioned up, and all hair styles must be such as to stay in place and not hang over the eyes. All styles will render a neat appearance. No scarves, headbands or ribbons will be worn in the hair. In no case will the bulk or length of the hair interfere with the proper wearing of any police headgear.

RULE 9.3 - EARRINGS

Male officers may not wear earrings or studs, on or off duty. Female officers may only wear stud-type earrings on duty (no hoops or dangling styles).

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RULE 9.4 - WEARING THE UNIFORM

Officers shall wear uniforms or other clothing on duty in accordance with department regulations. Officers shall keep their uniforms neat, clean and well-pressed at all times. Care should be taken not to wear threadbare or faded items. The uniform cap shall be worn out of doors unless otherwise directed by competent authority. While in uniform, officers shall display their badge on the outermost garment over their left breast. The Chief of Police shall periodically issue special orders pertaining to daily or seasonal wearing of uniforms.

Officers shall not wear any identifiable part of the uniform outside the limits of the community except while in the performance of official duty, while commuting to and from duty, or with the permission of the Chief of Police. No buttons, insignia, attachments or coverings of any kind will be worn on a uniform without the permission of the Chief of Police.

RULE 9.5 - CIVILIAN CLOTHING

Male officers permitted to wear civilian clothing during a tour of duty, including court appearances, shall wear either a business suit with tie, or sports coat with tie and slacks. Female officers permitted to wear civilian clothing during a tour of duty, including court appearances, may wear a dress or skirt and blouse, or blouse and dress pants. Dungarees and/or designer jeans etc. are not considered proper attire for on duty officers – male or female. The Chief of Police may prescribe other types of clothing when necessary to meet particular police objectives. Civilian clothing shall not be worn with any distinguishable part of the police uniform. No shorts, T-shirts or shirts without a collar may be worn. Leather shoes, boots or other authorized footwear are required when in uniform. (no sneakers/tennis shoes, etc.)

RULE 9.6 - IDENTIFICATION

Officers shall carry their official identification cards and badges on their persons at all times unless it is impractical (e.g., wearing a bathing suit) or dangerous to do so (e.g.,

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certain investigations or undercover work but only when authorized not to carry an I.D. or badge).

Officers shall inform any person so requesting their name and badge number whenever they are on duty or holding themselves out as being a police officer, unless the withholding of such information is required for the proper performance of their police duties or is authorized by proper police authorities.

10.0 - ATTENTION TO DUTY

Officers are expected to be constantly alert and vigilant in the performance of their duties and to respond prudently but decisively when police action is required or expected. Every officer of the department who has occasion to handle any complaint, assistance call, arrest or other duty, shall attend to such duty with business-like dispatch and courtesy and without any unnecessary loss of time. Officers shall furnish information and render aid to all persons with due courtesy whenever such request is consistent with their duty. Officers shall not withhold information on criminal activity.

Every officer shall familiarize himself or herself with the geography of the community, including: routes of public transportation; the location of streets, highways, bridges, public buildings and places; hospitals; churches; courts; college buildings and sports fields, prominent or important office buildings; industrial plants or commercial establishments; and such information as may be disseminated by the department or a superior officer from time to time.

Officers shall furnish police assistance to all persons making such request, consistent with their police duties and assignments. They shall assist and cooperate with all law enforcement agencies, provide them any authorized information they are entitled to receive, and submit a report on all such action taken.

It shall be the duty of every officer to report to his or her Commanding Officer or the Chief of Police any information given to such officer in good faith by any citizen

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regarding matters that indicate the need for police action. Officers, regardless of rank or assignment, shall act immediately: to protect life, liberty or property; to enforce all laws; to prevent or detect the commission of crimes; and to apprehend law violators.

RULE 10.1 - PROFESSIONAL IMAGE

Officers shall not act in a manner which is inconsistent with the image of a professional police officer, which shall include but not necessarily be limited to:

- a. Smoking or chewing gum or tobacco in uniform when in plain view of the public;
- b. Loitering or otherwise “hanging around” a business, residence or other location longer than is reasonably required for an officer’s police purposes; and
- c. Gambling, except when off-duty and at licensed premises, or in the performance of their official duty or while authorized or ordered to do so by a superior officer.

RULE 10.2 - DEVOTION TO DUTY

Officers, while on duty, shall devote their full time and attention to the service of the department and to the citizens of the community. They shall remain alert at all times while on duty. Recreational reading, watching television or movies, playing games, using computers for personal or recreational purposes, and/or any other similar type activities which would tend to detract from the proper performance of duty will not be permitted while on duty.

Officers are encouraged to enter places of business to introduce themselves, make their presence known and communicate with owners and employees. Officers shall not, however, while on duty, loiter in coffee shops, bars, restaurants, theaters, service stations or other public places, except for the purpose of police business.

Officers shall not shop while on duty nor devote any of their on- duty time to any activity other than that which relates to police work and shall not perform any police duty in uniform for the purpose of private gain, unless properly authorized.

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RULE 10.3 - REPORTING FOR DUTY

Officers shall report for duty promptly at the time and place required by their assignment or as otherwise directed by proper authority. They shall be uniformed properly and suitably equipped, ready to assume their duties at the appropriate time. While on duty they shall not absent themselves from duty without leave.

Officers shall notify, or cause to be notified, the department as soon as possible, but in any event at least four hours prior to their next tour of duty (unless the injury or illness occurs less than four hours before the officer's next tour of duty) if unable to report for duty because of sickness or injury and subsequently await a return call from their supervisor or other personnel at which time the injured or ill officer shall notify said supervisor of the nature of the illness or injury and as to how long he or she anticipates the illness or injury to continue.

Officers shall endeavor in good faith to remain in compliance with the above requirements or forfeit their salary for said scheduled tour of duty in addition to appropriate disciplinary sanctions.

RULE 10.4 - SLEEPING

Officers shall not sleep while on duty.

RULE 10.5 - SMOKING WHILE ON DUTY

Officers shall not smoke, chew or use tobacco while they are in formation, nor shall they leave their post or assignment for the purpose of doing so.

Smoking is prohibited in department vehicles. Officers who choose to smoke are to exercise extreme consideration to those who elect not to, regardless of the location, and are reminded that smoking is prohibited within public buildings.

NOTE: See Section 14 for the rule entitled "Use of Tobacco" which applies to officers appointed after January 1, 1988.

RULE 10.6 - AWARENESS OF ACTIVITIES

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Officers shall acquaint themselves before or at the beginning of their tour of duty with all important matters affecting their duties that have occurred since their last tour. Upon returning to duty from any period of absence, officers shall inform themselves about all new orders, regulations, memoranda, and all other important matters governing their assignments. Officers shall familiarize themselves with all of the laws, statutes, by-laws/ordinances, and regulations necessary for the proficient execution of their duty as police officers.

RULE 10.7 - LEAVING THE COMMUNITY

Officers shall not leave the limits of the community and enter another city or town unless it is necessary in the performance of duty. An officer shall inform the Officer in Charge or the dispatcher prior to leaving and again upon returning. If an emergency prevents following this procedure, the officer must contact the Officer in Charge or duty dispatcher as soon as possible. In all such cases when requested, a subsequent report will be submitted, in writing, for the attention of the Chief of Police, to include the circumstances, the reasons for leaving the community and the period of absence.

RULE 10.8 - DUTY STATUS

Officers shall be considered on duty or available for duty at all times (whether during assigned hours or while *off-duty*) for the preservation of the public peace and the protection of life and property while within the jurisdiction of the Town of Williamstown and shall be prepared to take all reasonable police action to accomplish this purpose.

All serious matters of public concern shall receive appropriate attention, consistent with an officer's physical and mental condition, even though an officer is not on duty at the time. Off-duty officers shall not consume alcoholic beverages while carrying a firearm, nor shall they carry a firearm while under the influence of alcohol or prescription medicine.

RULE 10.9 - DEPARTMENTAL COMMUNICATIONS

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Officers shall transmit all official communications promptly, accurately and completely to other officers of the department as required, and shall immediately inform their Officer in Charge of any matter of police importance coming to their attention during their tour of duty, or otherwise. They shall call to the attention of their relieving officers any information regarding unresolved problems or difficulties which may arise during the next tour of duty.

RULE 10.10 - COOPERATION WITH INVESTIGATIONS

Officers shall answer questions truthfully, respond to lawful orders, and render material and relevant statements, in an internal department investigation when such orders, questions and statements are directly related to job responsibilities or fitness for duty. Nothing in the Section shall be violative of one's Federal or State constitutional rights.

Officers shall submit to any medical, ballistics, chemical, DNA or other tests, as well as being photographed or appearing in a line-up when ordered to do so in connection with an internal investigation. Officers shall not be requested or ordered to take a polygraph exam except in the course of a criminal investigation.

11.0 - GENERAL REQUIREMENTS

RULE 11.1 - RESIDENCY

Officers shall comply with any residency requirement specified by any applicable statute, by-law/ordinance, departmental order or collective bargaining agreement.

RULE 11.2 - HOME ADDRESS AND TELEPHONE

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Employees shall have a telephone in their place of residence, or where they can be reached, and shall report any change of telephone number or home address to the Chief of Police within twenty-four hours of such change.

Employees shall not give out the home telephone numbers or home addresses of department personnel to anyone outside the department without the approval of the Chief of Police. In the event of an emergency request, the officer's telephone number will be called with a notification to call the person making the request.

RULE 11.3 - MEALS

Employees shall take meals and breaks at such times as are approved by the Officer in Charge who may limit the number of officers who may be off at any one time.

RULE 11.4 - POLICIES AND PROCEDURES COMPLIANCE

Employees shall read, be familiar with and comply with the requirements of the department's policies and procedures manual.

RULE 11.5 - PAYMENT OF DEBTS/LEGAL LIABILITIES

Employees shall not willfully or negligently fail to pay just debts and legal liabilities, especially where creditors solicit the assistance of the Chief of Police in the collection process. Employees shall not borrow any money from or otherwise become indebted to any municipal official or other officer or employee of the department, nor shall they solicit any municipal official or other members or employees of the department to co-sign, endorse or in any way whatsoever guarantee any promissory note or other loan, nor shall they offer to act as co-signor, endorser or guarantor of any promissory note or other loan for any municipal official or other member or employee of the Department. The preceding sentence will not apply to transactions involving spouses that both work for the municipality.

RULE 11.6 - WARRANTS FOR ASSAULT

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Officers shall not make application for a warrant charging that they were assaulted while in the performance of duty without first reporting the facts of the case to the Chief of Police, through the Officer in Charge and seeking permission to make such application.

RULE 11.7 - RELEASE WITHOUT ARRAIGNMENT

Officers shall notify the Officer in Charge in all cases where a release without arraignment is to be sought for any person arrested. Only in cases where probable cause has evaporated or where an arrest was effected without lawful authority will such a release be permitted. In these cases, such release shall occur immediately and a complete report will be forwarded to the Chief of Police by the end of the shift.

RULE 11.8 - INCURRING DEPARTMENT LIABILITY

Employees shall not incur a liability chargeable to the department or municipality without the knowledge and consent of the Chief of Police. Department members who charge without authorization may be required to pay for such charge.

RULE 11.9 - DUTIES WHILE SUSPENDED

Employees shall obey all lawful orders while on suspension. Suspended employees may be required to testify in connection with cases that originated while an employee was on duty. They may also be required to report to the station to meet with the Chief of Police or a superior officer and may be required to submit to fitness for duty examinations.

RULE 11.10 - CIVIL SUITS FOR PERSONAL INJURY

Officers shall make any claims for damage to clothing or other personal property belonging to them resulting during the proper and lawful performance of duty only in accordance with current departmental directives, regulations and contractual provisions. Officers shall not seek in any way, nor accept money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing and receiving approval from the Chief of Police.

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Officers who have received municipal salaries or have been indemnified or reimbursed for medical bills for illness or for personal injuries sustained off-duty or in the line of duty, shall notify the Chief of Police in writing of any intent to seek, sue, solicit, settle, or accept compensation or damages for such injury or illness. Notice shall be filed in writing before the action is taken and shall include the facts of the claim and the name of the defendant or responsible party. The Chief of Police shall be kept informed of the case status and the final court determination or settlement.

RULE 11.11 - IMMORALITY

Employees shall not engage in grossly immoral conduct or public lewdness.

RULE 11.12 - CRIMINAL CONDUCT

Employees shall not commit any criminal act (felony or misdemeanor) or violate the regulatory or criminal laws, motor vehicle violations or statutes of the United States or of any state or local jurisdiction (by-law/ordinance), whether on or off duty.

NOTE: An employee may be guilty of violating this rule regardless of the outcome of any criminal court case. Conviction for the violation of any law is *prima facie* evidence of a violation of this rule. However, even in the absence of a conviction (which requires proof beyond a reasonable doubt), an employee may still be disciplined under this rule for the conduct that was involved since a preponderance of the evidence is the quantity of proof required in such cases.

12.0 – DEPARTMENTAL PROPERTY AND EQUIPMENT

Property, equipment and uniforms issued to officers or purchased with a uniform allowance shall remain the property of the department and under the supervision of the Chief of Police or his designee. Officers shall maintain departmental property, uniforms and equipment assigned to them in good condition. Damaged or lost items may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.

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In the event that department property is found bearing evidence of damage which has not been previously reported, it will be considered prima facie evidence that the last person using the property or vehicle is responsible for said damage until the officer comes forward and proves by a preponderance of the evidence that he or she was not responsible. Random or scheduled checks of all department property may be conducted by the Chief of Police or his designee.

RULE 12.1 – DAMAGED OR DEFECTIVE EQUIPMENT

Employees shall immediately report to their superior officer/Officer in Charge any damaged, defective, inoperative or hazardous property or equipment. The superior officer/Officer in Charge involved shall submit a report to the Chief of Police, detailing the circumstances leading up to the lost, damaged, defective, inoperative or hazardous equipment and cause to have submitted a report by the officer assigned or in control of said property when said damage occurred.

RULE 12.2 - CARE OF DEPARTMENT BUILDINGS

Employees shall not mar, mark or deface any surface in any department building or motor vehicle. No material of any type shall be affixed in any way to any wall or other place or location in departmental buildings or property without specific authorization from the Chief of Police, this includes lockers assigned to individual employees. This shall not apply to the posting of authorized notices on a union bulletin board.

RULE 12.3 - AUTHORIZED EQUIPMENT

Officers shall carry, while on duty, only such equipment as is authorized by the Chief of Police or issued by the department. Officers shall not carry any firearms off duty without notifying the Chief of Police of the manufacturer and serial number and unless the Chief of Police has so authorized.

RULE 12.4 - SURRENDER OF DEPARTMENT PROPERTY

Employees are required to surrender all department property in their possession upon separation from service, or when otherwise ordered.

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RULE 12.5 - PRIVATE VEHICLES

Officers shall not drive or utilize a private vehicle while actually on a duty assignment or otherwise engaged in a police service, function, duty, or responsibility without the specific authorization of the Chief of Police or his designee. An exception will be made for emergency circumstances requiring immediate police services. Officers working private details where personal vehicles are used as transportation do so without the department incurring any liability for the officer's vehicle.

RULE 12.6 - DEPARTMENT TELEPHONES

Employees shall not habitually use department telephones for the receipt or transmission of private messages. Long distance telephone calls shall be made only for the furtherance of police work and for official business only unless otherwise authorized by the Chief of Police.

RULE 12.7 - DEPARTMENT VEHICLES

Officers shall not use any department vehicle without the permission of the Officer in Charge or Chief of Police or drive any department vehicle to which they have not been assigned except in an emergency. Marked department vehicles shall not be used by officers to conduct for personal business or used for pleasure.

Officers shall operate department vehicles carefully, obeying all laws and department regulations.

Officers who are involved in an accident with a department vehicle, or when a vehicle is disabled and has been damaged, shall not move the vehicle except in an emergency. The Officer in Charge or his or her designee shall immediately go to the scene and make an investigation and report all particulars to the Chief of Police forthwith. The officer involved shall promptly submit a written report in accordance with department regulations and as directed. Officers operating a department vehicle involved in an accident, or otherwise causing damage to a department vehicle when outside of the Town

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of Williamstown, shall contact the police agency having primary jurisdiction where the event occurred to investigate the accident or incident.

Officers found to be at fault may be liable for damage caused to the department vehicle if it is determined that the damage was caused by negligence.

Officers who are assigned to duty as an operator of a department vehicle shall be responsible for checking on the serviceability of the vehicle. The officer shall inspect the vehicle when it is turned over to him or her and shall submit a written report to the Officer in Charge and to the Cruiser Maintenance Officer of any defect, damage or unserviceability not previously reported. The officer at the same time shall also inspect the interior of the vehicle for the presence of unauthorized articles. Responsibility for cleanliness of the vehicle shall be the responsibility of the officer(s) assigned said vehicle.

RULE 12.8 – REQUIRED LICENSES

Officers must have and maintain a current Massachusetts Driver's License and a License to Carry Firearms.

RULE 12.9 - UPKEEP OF POLICE MANUALS

Officers who are issued this Manual are responsible for the maintenance and knowledge of the contents and they are required to make appropriate changes or inserts as issued by the Chief of Police. The Manuals shall be readily available for inspection and review when so directed. The Manuals shall be considered department property and shall be surrendered upon separation from service with the department.

RULE 12.10 - TRANSPORTING CITIZENS

Officers shall assure that only authorized police personnel or employees drive or are transported in departmental vehicles. Citizens shall be transported in department vehicles only when necessary to accomplish a proper police purpose as such as transporting someone from a disabled vehicle. Such transportation shall be in conformance with

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department policy and procedure or at the direction of the Chief of Police or the Officer in Charge.

RULE 12.11 - CARE OF DEPARTMENT PROPERTY

Employees shall make every effort to conserve the physical resources of the department. Employees shall use department equipment only for its intended purpose, in accordance with established procedures. They shall maintain all issued equipment in proper order and condition. Culpable negligence in the use and care of department property, as well as its abuse, misuse, willful or negligent loss or destruction, is not only cause for department discipline, but may also require restitution. Intentionally or negligently abusing, defacing, misusing, damaging or losing police department property is prohibited. In more serious cases, such shall incur liability for prosecution in the criminal courts.

Employees who are the actual custodians or users of any department property shall be responsible for the safe-keeping and proper use of the property during the time that such officer has control of the property, and it shall be returned upon separation from the service, upon retirement, upon demand, or when its use is terminated.

RULE 12.12 – ITEMS OF IDENTIFICATION

Officers shall be responsible for the items of identification issued to them as an officer of the department, including but not limited to, the police badge, any numbered hat badge or name plate, and the police identification card. They shall not permit any other person to borrow or use the items of identification issued to them by the department. Any loss of such items shall be reported immediately by the officer to the Chief of Police together with a written report of the circumstances leading to such loss.

RULE 12.13 – PERSONAL POLICE EQUIPMENT

Officers shall register with the department the description and serial numbers of all personal firearms or other police equipment they may own or carry.

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Officers shall carry firearms in accordance with all applicable laws and department regulations. This rule does not permit the carrying of unauthorized firearms or equipment on or off duty.

RULE 12.14 - CARE AND SECURITY OF FIREARMS

Officers shall maintain their service firearms and authorized off-duty weapons, if any, in proper working order at all times and report any damage, loss or unserviceable condition immediately to the Chief of Police or to their Officer in Charge. All officers shall be personally responsible for the security and safekeeping of said firearms at all times and shall not alter or repair any part of their service or authorized off-duty firearms without the approval of the Chief of Police.

Officers shall not use or handle weapons or firearms in a careless or imprudent manner and shall properly secure all unattended weapons.

RULE 12.15 - CARE AND CUSTODY OF PROPERTY

Officers shall assure that all personal property, including money, which comes into an officer's custody while on duty, whether lost, stolen, confiscated, abandoned, turned over to the department or taken from a prisoner or detainee, is properly tagged, recorded and turned over to the proper department authority, or placed in the designated place of storage for safe keeping, all in accordance with current department policies and procedures.

RULE 12.16 – EVIDENCE OR SUSPECTED CONTRABAND

Officers shall assure that whenever evidence of any kind, including suspected contraband such as questionable controlled substances, alcoholic beverages, or other items kept contrary to law comes into the possession of an officer of the department, said evidence or suspected contraband is turned into the evidence or property officer for safe-keeping and analysis. This regulation shall be adhered to in all cases, whether or not court action is contemplated, whether or not an arrest is made, and whether or not the owner of such evidence or suspected contraband is known to the officer.

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Officers are not authorized to destroy or dispose of evidence or suspected contraband, except by direction of the Chief of Police, or in accordance with procedures established by law for the destruction or disposal of the same, and in accordance with department policies and procedures.

RULE 12.17 - DEPARTMENT NOTICES

Employees shall not alter, deface, or remove without permission, any posted notice on the department bulletin board or from any other location where said notice may be posted. No notice of a derogatory, libelous, or profane nature of any kind or sexually suggestive or bias in nature shall be posted upon the department or Union bulletin board(s), or within or upon any other department property or location. All notices on the Union bulletin board, if any, will conform to the requirements of the applicable collective bargaining agreement and will be signed by a Union official.

RULE 12.18 - DEPARTMENTAL RECORDS

Employees shall not steal, alter, forge, falsify or tamper with any kind of governmental or police paper or electronic record, report, log or citation. To this end, the removal of any record, card, report, letter, document, data or information entered electronically into any computer or record system or other official file from any governmental entity, court or the department, except by process of law or as directed by the Chief of Police, is prohibited. Additionally, the obtaining or duplication or attempted obtaining or duplication of any information from any court, governmental or department files, sources or reports, other than that to which one is properly entitled in accordance with one's duties or assignment, is prohibited.

13.0 REPORTS

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Officers are required to promptly and accurately complete all required reports and forms. Failure to complete a required report or falsification of a police report or record, by submitting false written or oral information, may result in disciplinary action against the officer up to and including termination. Police reports and records include such items as paper and electronic affidavits, incident reports, time sheets, condition of the officer's health, doctor's slips, IAD investigation reports, logs and citations.

Report filing requirements are an essential duty of a police officer. Additionally, credibility is an essential characteristic of every officer, due to the nature of police work where public interaction and testimony at judicial proceedings are required.

RULE 13.1 - FILING REPORTS

Officers shall promptly, truthfully and accurately complete all reports and forms as required by this Manual, by law, and by department regulations or policies and procedures.

RULE 13.2 - FALSIFYING RECORDS

Employees shall not knowingly enter or cause to be entered upon any police report or police record inaccurate, false or improper information.

RULE 13.3 - FEIGNING ILLNESS OR INJURY

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive the department as to the condition of their health.

RULE 13.4 - REPORTING CITIZEN COMPLAINTS

Employees shall promptly and courteously make a written record of any complaint made by a citizen against themselves or any officer or employee of the department. Officers may try to resolve the complaint; however, they shall not discourage any citizen from filing a complaint with the department.

Officers shall follow the department's policy and procedure for receiving and processing citizen complaints.

RULE 13.5 - REPORT RULE VIOLATIONS

Employees shall, upon observing or otherwise becoming aware of a violation by another officer or employee of the department's Rules and Regulations or Policies and

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Procedures, as set forth in this Manual or by other departmental directives or as governed by law, report said violations to their Officer in Charge who will be responsible for appropriate action, report submission, follow-up and notifying the Chief of Police.

14.0– FITNESS FOR DUTY

A police officer must be physically and psychologically fit to perform his or her public safety functions, especially since police officers are authorized to make arrests and carry firearms. If an officer is not fit, not only that officer, but also other officers as well as the general public may be jeopardized.

A police chief has the authority and, indeed, the duty to determine an officer's continuing fitness to perform police duties or to return to full working status. Requiring that an officer submit to an ordinary physical or psychological examination in order to determine the officer's fitness for duty does not constitute an unwarranted invasion of personal privacy or a violation of due process. Of course, the department will treat all medical records and information in a confidential manner.

RULE 14.1 - ABSENCE

Officers shall not be absent from duty without permission. For a proper reason, and only for a limited time, the Chief of Police may excuse an officer from reporting or being present for duty. All unauthorized absences shall be investigated by a sergeant or above and shall be reported to the Chief of Police for appropriate action.

RULE 14.2 - SICK LEAVE

Officers shall utilize sick leave for personal illness or physical incapacity only when thereby rendered unable to perform the duties of an officer's present position. Compensation for sick leave shall be subject to review by the Chief of Police who may disallow such leave for improper or unauthorized use.

RULE 14.3 – DOCTOR'S CERTIFICATE

Officers shall provide a certificate from a doctor if required at the discretion of the Chief of Police for an absence from duty because of sickness or injury.

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RULE 14.4 - PHYSICAL FITNESS

Officers shall maintain good physical condition in accordance with standards determined by the Chief of Police and any applicable statute, regulation or collective bargaining provision.

The Chief of Police may order any officer of the department to submit to a physical or psychological examination on a periodic basis or whenever circumstances dictate that it is in the best interests of the officer and/or the Department.

RULE 14.5 - NOTIFICATION

Officers shall notify the duty dispatcher when ill and unable to report for work or if there is any change in an officer's physical or mental health that could disqualify or temporarily prevent the individual from being assigned to duty by the department. The duty dispatcher will immediately notify the officer in charge of the shift who will replace the officer if required to properly staff the shift vacated.

RULE 14.6 – POSSESSION OR USE OF ALCOHOL

Officers shall not possess and/or use alcohol on duty other than in an authorized duty capacity. Officers shall not report for duty or be on-duty while under the influence of intoxicating liquor or with an odor of alcoholic beverage on their breath.

RULE 14.7 – OFF DUTY USE OF ALCOHOL

Officers shall not use alcoholic beverages off duty to the extent that their conduct is obnoxious or offensive and discredits them or the department.

Officers shall not consume alcoholic beverages or medication off duty to the extent that they are unfit to report for their next regularly scheduled tour of duty.

RULE 14.8 – USE OF TOBACCO

Officers appointed after January 1, 1988 shall not smoke or use tobacco products of any kind whether on or off-duty. Whoever violates said statute is subject to dismissal as specified in Chapter 41 section 101A of the Massachusetts General Laws.

NOTE: See also the rule in Section 10 entitled “Smoking While on Duty”.

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RULE 14.9 - CONTROLLED SUBSTANCES

Officers shall not possess and/or use on or off-duty any controlled substances, except with the approval and guidance of a licensed physician and with the knowledge of the Chief of Police. At no time may an officer use, abuse or be under the influence of a controlled substance where such use or influence impairs or compromises the efficiency and integrity of the officer, the department or the municipality.

Officers shall not bring, place, or permit to be brought or placed, or allow to be kept in any building, location or vehicle of the department, any intoxicant, exhilarant, hypnotic, hallucinogen, or narcotic, except in the strict performance of police duty, e.g., evidence, etc., or when it is needed for administration by, or at the direction of a licensed physician, and then only after notification to and approval from the Chief of Police.

RULE 14.10 - LINE-OF-DUTY DISABILITY

Employees shall promptly report in writing any injury, illness or disability incurred in the line of duty, to his or her Officer in Charge or Chief of Police. Such report shall be made prior to the end of an employee's shift unless the seriousness prevents such notice. In such case notice will be made as soon as the employee is physically able to do so. Departmental forms and insurance claim forms will be utilized for notification and application purposes as the Chief of Police may direct. Final disposition as to line-of-duty injuries, illness, or disabilities shall be made by the Chief of Police who may consult with a physician. In each case of illness, injury or disability incurred in the line-of-duty, the Chief of Police may require that an employee shall not be returned to duty until his or her ability to be placed on full duty status is certified by proper medical authority.

15.0 - ACCOUNTABILITY AND DISCIPLINE

The purpose of an effective and responsive system of personal accountability and discipline is to maintain efficient department performance and the preserving of overall department morale. A clearly defined disciplinary policy enables all officers and employees to know what is expected of them and to understand that appropriate discipline will be administered when required. Essential fairness and justice are the foundation of the disciplinary process and it is the personal responsibility of the Chief to ensure that this standard is equitably maintained.

RULE 15.1-ACCOUNTABILITY AND DISCIPLINE

1. Under the provisions of M.G.L. Chapter 41, officers and employees may be disciplined for just cause. This would include any misconduct or unsatisfactory behavior that impairs personnel or departmental efficiency or effectiveness.
2. Disciplinary actions that may be imposed after statutory procedural requirements are observed are as follows, but not limited to:
 - a. Loss of vacation days
 - b. Suspension not exceeding five days
 - c. Suspension exceeding five days
 - d. Lowering in rank and compensation
 - e. Discharge

Probationary officers having less than one year's service and all part time employees are subject to discharge without right to a hearing or appeal.

A complete record will be made of the facts and circumstances of any disciplinary action taken and will be retained in the personnel record file of the officer or employee involved.

3. Department standards of conduct and performance will be enforced in a uniform and consistent manner and the disciplinary measures taken will be based upon the seriousness of the charges.
4. When appropriate, the following disciplinary measures may first be considered, but not limited to the following:

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- a. Oral Reprimand - The Chief or a superior officer may reprimand or admonish for minor infractions of department regulations or procedures. At the Chief's discretion a record of the same may be entered in an individual's personnel file. Each notation entered in an oral reprimand action shall be deleted from the file at the end of twelve calendar months. However, if new disciplinary action is taken against the officer during the twelve-month period, the notation of oral reprimand becomes a permanent part of the individual's personnel file.
 - b. Written Reprimand - The Chief or Superior Officer may issue a written reprimand for infractions of department regulations or procedures. All letters of reprimand will become a permanent part of the individual's record and be included in the personnel file of the Department. Written reprimands will be reviewed after two years and may be removed from the permanent record at the discretion of the Chief.
5. A Sergeant or above may relieve those under his command from duty with pay for the balance of the shift if they determine that any person is not properly able to carry out their duties. In all such cases, a written report shall be submitted to the Chief concerning such action forthwith.
 6. Employees will not be subject to unjust, capricious or frivolous complaints and they will be exonerated when investigation determines that they were carrying out their duties in accordance with law or in compliance with department practices and procedures.

RULE 15.2 - COMMENDATIONS

As essential as it is for a police department to have an effective internal disciplinary process, it is equally important to have a positive program of awarding commendations for outstanding duty performance. This is the means by which deserving officers can receive official recognition for their accomplishments.

Williamstown Police Department Awards are presented to sworn or civilian members of the Department in recognition of outstanding acts of bravery, heroism, outstanding accomplishment and exemplary service and for exceptional performance by an individual.

1. Any meritorious act or action performed by an officer that is considered to be above and beyond the performance of routine duty shall be reported in writing to the Chief by the Sergeant/Officer in Charge concerned with his recommendation for commendation.
2. The following categories of acts or actions will be considered for commendation:

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- a. For the personal display of extraordinary courage and valor in the performance of police duty:

AWARD OF VALOR

An award granted to any sworn member of the Department for an act of outstanding bravery or heroism by which the member has demonstrated in the great degree the characteristics of selflessness, personal courage and devotion to duty. This award will be presented in the form of a medal, ribbon bar and certificate.

- b. For the performance of outstanding and exceptional service to the Police Department:

SERVICE AWARD

An award granted to any Department sworn or civilian member whose service contributed to an event that has a significant impact upon the historical direction and operations of the Department. This award will be presented to Department sworn members in the form of a ribbon bar and certificate and to Department civilian members in the form of a certificate and a lapel pin.

- c. To call attention to distinguished acts or events:

LETTER OF COMMENDATION

The Department is a Letter of Commendation, written on a standard Police Department letterhead, signed by the Chief and outlining the reasons for the award. The Letter of Commendation is awarded to notice an outstanding accomplishment or distinguished participation in an event that requires special recognition.

3. All notices of official commendation will be placed in the commended employee's personnel file.
4. A Special Citation, signed by the Chief, may be awarded to a citizen who has performed a commendable and laudable act or action that has aided and been of assistance to the Police Department or to an officer in the performance of police duty.
5. Compensatory time off may be awarded by the Chief for superlative and distinguished performance in the line of police duty. Any time off awarded will be noted on the Letter of Commendation.